

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

324 EAST ELEVENTH STREET

KANSAS CITY, MISSOURI 64106

*Olin case file 23*  
*To Wayne Kaist*  
*For your info*

IN RE;	)	RCRA
OLIN CORPORATION	)	DOCKET NO. 84-H-0015
WATER SERVICES DIVISION	)	
3155 FIBERGLASS ROAD	)	PREHEARING EXCHANGE
KANSAS CITY, KANSAS	)	

PREHEARING EXCHANGE

Comes now the Respondent in the instant matter and submits, as directed by letter dated June 11, 1984 from Judge Jones, the following list of witnesses, brief narrative summary of their expected testimony and copies of all exhibits to be introduced into evidence:

I. List of Witnesses

- A. Mark W. Pelley, Environmental Affairs Specialist
- B. Laurence M. Prouty, Regulatory Affairs Specialist
- C. Glen D. Jenkins, Olin Water Services, Plant Manager

II. Brief Narrative Summary of Expected Testimony:

A. Mark Pelly:

Will testify about his effort to complete the RCRA Part B application for Olin's Kansas City Water Services Division, which dates from the September 13, 1982 letter from KDHE requesting Olin to submit the application. Olin's submission of March 4, 1983 was jointly reviewed by EPA and KDHE, and on May 5, 1983 the agencies furnished Olin with seven pages of comments. The letter directed Olin either to submit revised application pages or to respond in letter form and "revise the application after all review comments have been resolved". (Respondent's Exhibit D, page 1) in addition, that letter stated that "(a)ny requirements included in this letter that are not applicable should be stated as such and include why." (Respondent's Exhibit D, page 7) (emphasis supplied).



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On June 13, 1983 Mr. Pelley requested, in writing, an extension of the time to respond to these comments. On June 22, 1983, he spoke with Karen Flournoy by telephone. Ms. Flournoy confirmed that the extension to July 18, 1983 had been granted and she told Mr. Pelley a letter confirming the extension would be sent to him. Ms. Flournoy also commented that a warning letter would accompany the extension but that it was only a procedural formality and Mr. Pelley should not be alarmed by it.

The June 23, 1983 letter from EPA formally granting the extension was titled "Letter of Warning" and stated that no additional extensions would be allowed. (Respondent's Exhibit G).

On July 18, 1983, the completeness information, in letter form, responding to EPA's May 5, 1983 comments, was submitted to EPA. In that letter, Mr. Pelley began by pointing out the distinction between 40 CFR Part 122 and 40 CFR Part 264 and why he believed some portions of the Part 264 facility standards were not directly applicable to the permit application process regulations contained in Part 122. This observation was made in response to EPA's May 5, 1983 invitation to Olin to (a) point out any requirements that were asked for that Olin felt were inapplicable and (b) include in its response a discussion explaining the rationale for concluding that the requirement was inapplicable. Following this initial comment, eleven pages of completeness information was provided to EPA. (Respondent's Exhibit H).

On August 16, 1983, KDHE notified Olin by letter that it was conducting a background investigation of Olin's financial, technical and management capabilities. To do this, KDHE stated it had notified all states and federal agencies of Olin's application for a hazardous waste storage permit for its Kansas City facility. Two states submitted responses regarding enforcement actions involving Olin. KDHE requested Olin to comment on these matters. Olin's comments on these matters were submitted to KDHE by letter dated September 16, 1983. (Respondent's Exhibit J) By KDHE memorandum dated March 7, 1984, Olin was advised that the Chief of the Hazardous Waste Management Section recommended that "KDHE should proceed to process the permit application". (Respondent's Exhibit K, page 2).

By letter dated March 28, 1984, Olin received from EPA the instant Complaint, Compliance Order and Notice of Opportunity for Hearing. The Complaint alleges Olin has violated Section 3005 of RCRA by failing to submit on time a complete Part B Application.

By letter dated March 29, 1984, EPA and KDHE provided Olin with five pages of additional comments on Olin's application for a Part B permit, as amended by Olin's July 18, 1983 submission.

Continuing submissions (dated April 26, 1984 and June 22, 1984) by Olin and responses (dated May 31, 1984 and July 11, 1984) by EPA have been exchanged in an ongoing attempt to clarify the requirements for the Part B application and the information that satisfies those requirements.

B. Lawrence M. Prouty:

Will testify about his assistance to Mark Pelley in providing information for Olin's application for the RCRA Part B permit, and his contacts with EPA and KDHE personnel.

C. Glen D. Jenkins

Will testify about assistance he provided to Mr. Pelley and Mr. Prouty for submitting Olin's application to EPA & KDHE for the RCRA Part B permit, and his contacts with agency personnel.

III. Exhibits To Be Offered

Exhibit A	September 13, 1982 Letter from Kansas Department of Health and Environment (KDHE) to Respondent
Exhibit B	Respondent's Part B RCRA Application
Exhibit C	March 16, 1983 Letter from US EPA, Region VII to Respondent
Exhibit D	May 5, 1983 Letter from US EPA, Region VII to Respondent
Exhibit E	June 13, 1983 Letter from Respondent to US EPA, Region VII
Exhibit F	June 22, 1983 Letter from Respondent to US EPA, Region VII
Exhibit G	June 23, 1983 Letter from US EPA, Region VII to Respondent
Exhibit H	July 18, 1983 Letter from Respondent to US EPA, Region VII
Exhibit I	August 16, 1983 Letter from KDHE to Respondent
Exhibit J	September 16, 1983 Letter from Respondent to KDHE
Exhibit K	March 7, 1984 Memorandum from KDHE to Respondent
Exhibit L	March 28, 1984 Complaint, Compliance Order and Notice of Opportunity for Hearing

Exhibit M

March 29, 1984 Letter from US EPA,  
Region VII to Respondent

Exhibit N

April 26, 1984 Letter from Olin to  
USEPA, Region VII

Exhibit O

May 31, 1984 Letter from USEPA, Region  
VII to Olin

Exhibit P

June 22, 1984 Letter from Olin to  
USEPA, Region VII

Exhibit Q

July 11, 1984 Letter from USEPA, Region  
VII to Olin

Respectfully Submitted,

OLIN CORPORATION

BY

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